

**OCTOBER 13, 2009 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER, 101 C STREET,
WHEATLAND, CA
6:00 – 6:20 p.m.**

COUNCIL MEMBERS PRESENT: Coe, Elphick, Pendergraph, West
Absent: L. McIntosh

OTHER OFFICIALS PRESENT: T. Raney, Community Development Director
R. Shanahan, City Attorney
R. Miller, Administrative Services Director
M. McCrary, Police Chief

PLEDGE OF ALLEGIANCE:

Council member J. Pendergraph led the pledge of allegiance.

PUBLIC COMMENT

William Harrison commented on a utility pole in the sidewalk on First Street.
Benjamin Bartholomew commented on the FOG Ordinance.

CONSENT CALENDAR

**Item No. 3.3 was pulled from the consent calendar and rescheduled for the October 27th Council meeting.*

It was moved by Council member J. Pendergraph, seconded by D. Coe to approve **minutes of the regular City Council meeting held on September 22, 2009 and Resolution No. 19-09 Authorizing the City Manager to Execute an Agreement with the City of Marysville for Hazardous Materials Response Services.** Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

1) R. Miller presented discussion of the Identity Theft Program. Miller explained that this in response to the growing problem of identity theft nationwide, the Federal Trade Commission adopted new regulations entitled "Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003. Under Red Flag Regulations, creditors with covered accounts must adopt an Identity Theft Program that complies with these regulations. The Red Flag Regulations state in summary that a "creditor" is any person who regularly extends, renews, or continues credit or any person who regularly arranges for the extension, renewal, or continuation of credit. "Credit" is defined as the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore. A "Covered Account" is an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designated to permit multiple payments or transactions. Therefore under these definitions, the City is considered a creditor with covered accounts because the City provides retail utility services and bills in arrears.

It was moved by Council member J. Pendergraph, seconded by D. Coe to approve **Resolution No. 20-09 Adopting an Identity Theft Prevention Program to Comply with the Fact Act Rules Issued by the Federal Trade Commission.** Vote called – AYES: All. Motion carried.

2) T. Raney presented discussion of the RD 2103 request for release of funds. Raney explained that the City has received a letter from Dean Webb, President of the RD 2103 Board requesting a release of the City's entire \$2.7 million grant for the Bear River Levee Improvement Project. On April 28, 2009 the Council conditionally granted this release including three conditions for that release – receipt of \$2.6 million in State funding; incremental release of City funds on an as needed basis, and; retention of \$200,000 for use on a maintenance district election process. On September 16, 2009 the City did release \$750,000 to the RD as the first incremental draw on these funds. The Board has now learned that the final \$3.4 million of State funds, although awarded, will likely not be released to the RD until after the first of the year. Since the RD has awarded the final construction phase for the project, that delay in funding will put them in a negative cash flow situation necessitating this request for an immediate release of City funds. Even with the City funds they will remain in a negative cash position however they have reached an agreement with their contractors to carry the balance of the contract costs at a 6% interest rate until the State funds are received. Staff requested Board consideration of a similar condition for the release of the City funds with only a 3% interest rate but the Board denied that request. Technically the conditions of the Grant agreement have been met. The RD has received the \$2.6 million from the State which was a condition of the City's grant agreement and although not incremental through December, the City funds are needed ASAP.

It was moved by Council member J. Pendergraph, seconded by R. West to **authorize the immediate release of the balance of the approved grant amount to RD 2103 with the exception of withholding \$200,000 of these funds to be dedicated to the maintenance district formation process.** Vote called – AYES: All. Motion carried.

REPORTS

- 1) R. West reported on the YSEDC change of personnel and the upcoming meeting scheduled at the City Community Center.
- 2) J. Pendergraph reported on FRAQMD and the incentive offered to residents who are replacing their fireplace.
- 3) E. Elphick reported on the upcoming Town Hall meeting with discussion related to the Ostrom Road Landfill and the state of the County. There will be no LAFCO meeting for the month of November.

ADJOURN

There being no further business, Mayor Elphick adjourned the meeting at 6:20 p.m.

Minutes approve and adopted this 27th day of October, 2009.

Enita Elphick, *Mayor*

Lisa J. Thomason
City Clerk